

**Introduced by Senator Yee**

February 20, 2013

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An act to amend Section 2241.5 of the Business and Professions Code, relating to medicine.

## LEGISLATIVE COUNSEL'S DIGEST

SB 410, as introduced, Yee. Health care: controlled substances and dangerous drugs.

Existing law authorizes a physician and surgeon to prescribe for, or dispense or administer to, a person under his or her treatment for a medical condition, drugs or prescription controlled substances for the treatment of pain or a condition causing pain, including intractable pain. Existing law requires the physician and surgeon to exercise reasonable care in determining whether a particular patient or condition, or complexity of the patient's treatment, including, but not limited to, a current or recent pattern of drug abuse, requires consultation with, or referral to, a more qualified specialist.

This bill would specify that chronic pain is included among the types of pain for which these drugs or substances may be prescribed.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 2241.5 of the Business and Professions
- 2 Code is amended to read:
- 3 2241.5. (a) A physician and surgeon may prescribe for, or
- 4 dispense or administer to, a person under his or her treatment for
- 5 a medical condition dangerous drugs or prescription controlled

1 substances for the treatment of pain or a condition causing pain,  
2 including, but not limited to, *chronic pain or* intractable pain.

3 (b) No physician and surgeon shall be subject to disciplinary  
4 action for prescribing, dispensing, or administering dangerous  
5 drugs or prescription controlled substances in accordance with this  
6 section.

7 (c) This section shall not affect the power of the board to take  
8 any action described in Section 2227 against a physician and  
9 surgeon who does any of the following:

10 (1) Violates subdivision (b), (c), or (d) of Section 2234 regarding  
11 gross negligence, repeated negligent acts, or incompetence.

12 (2) Violates Section 2241 regarding treatment of an addict.

13 (3) Violates Section 2242 regarding performing an appropriate  
14 prior examination and the existence of a medical indication for  
15 prescribing, dispensing, or furnishing dangerous drugs.

16 (4) Violates Section 2242.1 regarding prescribing on the Internet.

17 (5) Fails to keep complete and accurate records of purchases  
18 and disposals of substances listed in the California Uniform  
19 Controlled Substances Act (Division 10 (commencing with Section  
20 11000) of the Health and Safety Code) or controlled substances  
21 scheduled in the federal Comprehensive Drug Abuse Prevention  
22 and Control Act of 1970 (21 U.S.C. Sec. 801 et seq.), or pursuant  
23 to the federal Comprehensive Drug Abuse Prevention and Control  
24 Act of 1970. A physician and surgeon shall keep records of his or  
25 her purchases and disposals of these controlled substances or  
26 dangerous drugs, including the date of purchase, the date and  
27 records of the sale or disposal of the drugs by the physician and  
28 surgeon, the name and address of the person receiving the drugs,  
29 and the reason for the disposal or the dispensing of the drugs to  
30 the person, and shall otherwise comply with all state recordkeeping  
31 requirements for controlled substances.

32 (6) Writes false or fictitious prescriptions for controlled  
33 substances listed in the California Uniform Controlled Substances  
34 Act or scheduled in the federal Comprehensive Drug Abuse  
35 Prevention and Control Act of 1970.

36 (7) Prescribes, administers, or dispenses in violation of this  
37 chapter, or in violation of Chapter 4 (commencing with Section  
38 11150) or Chapter 5 (commencing with Section 11210) of Division  
39 10 of the Health and Safety Code.

(d) A physician and surgeon shall exercise reasonable care in determining whether a particular patient or condition, or the complexity of a patient's treatment, including, but not limited to, a current or recent pattern of drug abuse, requires consultation with, or referral to, a more qualified specialist.

(e) Nothing in this section shall prohibit the governing body of a hospital from taking disciplinary actions against a physician and surgeon pursuant to Sections 809.05, 809.4, and 809.5.

**CORRECTIONS:**

**Heading—Author—Line 1.**

**Digest—Page 1.**